

PATENT COOPERATION TREATY



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference SD203	FOR FURTHER ACTION		See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)
International application No. PCT/KR2003/001290	International filing date (day/month/year) 01 JULY 2003 (01.07.2003)	Priority date (day/month/year) 02 JULY 2002 (02.07.2002)	
International Patent Classification (IPC) or national classification and IPC IPC7 G02C 9/04			
Applicant PARK, SEUNG BAE			

1.	This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2.	This REPORT consists of a total of <u>5</u> sheets, including this cover sheet. <input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT). These annexes consist of a total of <u>20</u> sheets.
3.	This report contains indications relating to the following items: I <input checked="" type="checkbox"/> Basis of the report II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input checked="" type="checkbox"/> Certain defects in the international application VIII <input checked="" type="checkbox"/> Certain observations on the international application

Date of submission of the demand 31 JANUARY 2004 (31.01.2004)	Date of completion of this report 28 OCTOBER 2004 (28.10.2004)
Name and mailing address of the IPEA/KR  Korean Intellectual Property Office 920 Dunsan-dong, Seo-gu, Daejeon 302-701, Republic of Korea Facsimile No. 82-42-472-7140	Authorized officer KIM, Sang Hee Telephone No. 82-42-481-5974 

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International application No.

PCT/KR2003/001290

I. Basis of the report

1. With regard to the elements of the international application:*

- ☐ the international application as originally filed
- ☒ the description:
pages _____, as originally filed
pages _____, filed with the demand
pages 1-8 _____, filed with the letter of 13/10/2004
- ☒ the claims:
pages _____, as originally filed
pages _____, as amended (together with any statement) under Article 19
pages _____, filed with the demand
pages 9-10 _____, filed with the letter of 13/10/2004
- ☒ the drawings:
pages _____, as originally filed
pages _____, filed with the demand
pages 1/10-10/10 _____, filed with the letter of 13/10/2004
- ☐ the sequence listing part of the description:
pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language English which is

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☒ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☒ The amendments have resulted in the cancellation of:

- ☒ the description, pages 9-18
- ☒ the claims, Nos. 1-3
- ☐ the drawings, sheet _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item I and annexed to this report.

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V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

Novelty (N)	Claims 4-8	YES
	Claims	NO
Inventive step (IS)	Claims 4-8	YES
	Claims	NO
Industrial applicability (IA)	Claims 4-8	YES
	Claims	NO

2. Citations and explanations (Rule 70.7)

Documents cited in the International Search Report:

D1: KR10-2002-0066148 A (Ko Myung Keun) 14 Aug. 2002

1. Regarding Novelty:

1.1 The subject matter of the claim 1 of the present application is a sunglasses holder attached to a cap, a woolen cap, a jogging hair-band, etc., which is comprised of a fixing member, a connection member, and hinges. The sunglasses holder is characterised in the hinges being rotatably coupled to each other and having a toothed wheel enabling angle adjustment.

The subject matter of D1, the closest prior art among the documents cited in the International Search Report, is a sunglasses holder for a cap comprised of a fixing piece, a coupling member, and a connection strip.

The fixing piece of D1 plays the same role as the fixing member of the claim 1 and the coupling member of D1 corresponds to the connection member of the claim 1. However, the coupling member of D1 differs from the connection member in that the connection member further contains hinges with the function of angle adjustment.

Due to the absence of the composition for angle adjustment, the subject matter of the claim 1 is considered to be new (Art. 33(2) PCT).

1.2 The subject matter of the claim 5 also includes the same technical feature of hinges of the claim 1.

Therefore the subject matter of the claim 5 is considered to be new (Art. 33(2) PCT).

As dependent claims of the claim 4 or 5, the subject matter of the claims 6-8 is also considered to be new (Art. 33(2) PCT).

2. Regarding Inventive Step:

As it is mentioned above, the difference between D1 and the claim 1 lies in the details of the hinges. Due to the absence of the hinges, D1 includes neither the function of bending, nor the function of angle adjustment. None of the cited documents in the international search report disclose combining the hinges which facilitates the function of rotation and the feature of toothed wheel with a sunglasses holder. Furthermore, the cap with the sunglasses holder of the claim 1 can maintain its intrinsic nature after detaching the connection member of the sunglasses holder due to the characteristics of the connection member being coupled to the pair of sunglasses rather than to the fixing member as in D1. This effect which seems to be an important function for a sunglasses holder has not been mentioned in any of the cited documents in the International Search Report. None of the cited documents provide any hint of the feature and effect of the claim 1 either.

Therefore the subject matter of the claim 1 seems to involve an inventive step (Art. 33(3) PCT). Since the claim 5 includes the same feature as the claim 1, the subject matter of the claim 5 also seems to involve an inventive step (Art. 33(3) PCT). The subject matter of the dependent claims, claims 6-8, seems to involve an inventive step as well (Art. 33(3) PCT).

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VII. Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

1. Rule 5.1(a)(ii) PCT requires that the description indicate the background art which, as far as known to the applicant, can be regarded as useful for the understanding, searching, and examination for the invention, and preferably, cite the documents reflecting such art. It is considered that this rule has not been satisfied.
2. The claims do not contain reference signs as required by Rule 6.2(b) PCT.

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VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

The reference sign of "501" on page 5, line 13 seems to be incorrect.